



**TOWN OF HARPSWELL
PLANNING BOARD MINUTES
SEPTEMBER 20, 2006**
Approved October 18, 2006

MEMBERS PRESENT

John Papacosma, Chairman
Dorothy Carrier, Vice Chairman
Joanne Rogers
Kenneth Cichon
Robin Brooks

MEMBERS ABSENT

STAFF PRESENT

Jay Chace, Planner

The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 p.m. by Mr. Papacosma, Chairman.

Mr. Papacosma, Chair, explained the hearing process and procedures for the Planning Board meeting.

Minutes of August 16, 2006

Ms. Rogers moved, seconded by Ms. Carrier to accept the minutes of August 16, 2006 as printed. Unanimous Approval

OLD BUSINESS

06-08-01 Mill Stream Associates, LLC, Subdivision Review, Tax Map 18-192, Harpswell Neck Road, Harpswell.

Doug Johnson, Brian Smith Surveying, representative, described the proposal to subdivide the existing parcel into three lots. Mr. Johnson discussed the proposed access right-of-way to lots two and three, a hammerhead turn around for emergency vehicle access, the addition of an overhead utility line, 15 foot right-of-way to the south side of Intervale Road, the reconfiguration of the walking path to reduce impact on abutters, and the addition of Note 6 on the Site Plan with regard to tree preservation. Mr. Johnson pointed out the five foot contours depicted on the Site Plan and letters from Inland Fish and Wildlife and Natural Areas Program.

Mr. Papacosma, Chair, opened the floor to members of the public who wished to comment on this agenda item.

Rob McAleer, Intervale Road, stated that he was in favor of what the applicant is attempting to do and expressed his concerns with regard to the 15 foot right-of-way south of Intervale Road conflicting with a utility easement, questioned the placement of hammerhead and the preservation an existing oak tree, potential impact on the graveyard, and a clear understanding of the type of structures to be built on the lot. Mr. McAleer objected to the cutting of some of the branches on an oak tree on his property by the applicant.

Mr. Chace pointed out that the right-of-way is deeded and outside the authority of the Planning Board.

Sam York, 1992 Harpswell Neck Road, asked if this property was a defined scenic vista.

Mr. Chace stated that the property is defined as a scenic vista and that there is a requirement that vistas identified in the Comprehensive Plan be preserved.

There being no further comment from members of the public present, Mr. Papacosma, Chair, closed the public portion of the hearing.

Mr. Chace stated that he had received an amended road maintenance agreement and pointed out that comments had been received from the State Department indicating that there are no critical historic resources on site.

The Planning Board discussed the standards of Subdivision Ordinance § 8.3.2 and § 9 with specific attention to the revised Site Plan, size of the graveyard, the restrictions contained within the ordinances with regard to development of the lots, the right-of-way south of Intervale Road, ordinance requirements for road frontage, minimum waterfront, contour lines, water supply, utilities, surface drainage plan, archeological and historic resources on the site, road maintenance agreement, erosion control plan, cost estimates, a letter from a local plumbing inspector, lot markers, building envelope, financial capacity, septic, traffic, road design, emergency vehicle access, wooded areas on the property, buffering and maintenance of the vegetation, the scenic vista identified by the Comprehensive Plan and preservation of that vista.

Mr. Johnson discussed the proposal to preserve the identified vista and asked for Planning Board's input with regard to size of a tree buffer. Mr. Lawrence described the lilac hedge that would be negatively impacted by not allowing maintenance.

Mr. Cichon stated that the Comprehensive Plan Implementation Committee was considering a 50 foot tree buffer.

Mr. Chace asked if the Planning Board was only discussing the woods on the easterly side as a buffer or whether the discussion would include the other wooded areas on the site. Mr. Chace described the Fire Chief's reasoning for allowing a fourteen foot road size as well as the Roads Commissioner's comments. Mr. Chace pointed out areas where the applicant meets the criteria of the ordinances.

Mr. Cichon moved, seconded by Ms. Rogers to waive the roadway width requirement to 14 feet. Unanimous Approval

The Planning Board was polled and agreed that as a result of the testimony presented this evening and information contained in the Planner's memorandum dated September 14, 2006, the applicant has met the criteria of Subdivision Ordinance § 9 with the exception of § 9.4.

Mr. Chace stated that the applicant has preliminary approval. The Planning Board agreed that the outstanding issues were insuring that the road dead end is compliant with the ordinances, a provision on the Site Plan for a 50 foot buffer on the easterly edge, and the elevation minimum for the landscaping to the southerly edge of the property.

NEW BUSINESS

ITEM 1

06-09-01 Stephen C and Joanne B Caulfield, Subdivision Review Amendment, Shoreland Residential, Tax Map 35-81 & 83, Dipper Cove Road, Orr's Island.

Mr. Chace described the proposal to remove the property line between two non-conforming lots to create one conforming lot.

Mr. Papacosma stated that all that was occurring was removing a line down the middle of the two non-conforming lots and no negative impact to the sites would be caused by this action.

Mr. Papacosma moved, seconded by Ms. Rogers, to find that based on the findings, established as part of the record, in the Town of Harpswell Planner's memo dated September 12, 2006, that the application of Stephen and Joanne Caulfield to amend the Subdivision Plan of the Dipper Cove Point, for Tamarack Association, by Brian Smith Surveying, Inc., dated January 23, 1995, and recorded at Cumberland County Registry of Deeds in Plan Book 195, Page 33, to permanently merge Lots 12 & 13 be approved. Unanimous Approval

OTHER BUSINESS:

Mr. Chace encouraged Planning Board members to attend the upcoming Maine Municipal Association's Planning Board and Board of Appeals Workshop. Mr. Chace recommended the Planning Board hold an ordinance workshop on October 3, 2006, at 3:00 pm.

There being no other business before the Planning Board, **MR. PAPCOSMA MOVED, SECONDED BY MS. CARRIER TO ADJOURN.**

Meeting adjourned at 8:15 p.m.

Respectfully Submitted,

Marsha M. Hinton
Planning Assistant